APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,252	08/26/2003	Jerromy Laverne Johnson	11857.68	7130

			EXAMINER
27683	7590	12/04/2006	ALTSCHUL, AMBER L

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ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/649,252	JOHNSON ET AL.
	Examiner	**Art Unit**
	Amber L. Altschul	3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 August 2003</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>23 January 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>02/05/2004</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail. Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-21 have been presented for examination.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claims 1-13 are rejected under 35 U.S.C. 101.

Referring to claims 1-13. Claims 1-13 do not provide a practical application that

produces a useful result. For an invention to be "useful" it must satisfy the utility

requirement of section 101. The USPTO's official interpretation of the utility requirement

provides that the utility of an invention has to be (i) specific, (ii) substantial and (iii)

credible. MPEP § 2107.

Claims 1-13 merely provides establishing a single tier placement based on

application data. The claims do not use said information to produce a practical

application or result. The mere establishing a single tier placement, absent any active

use of the tier placement in an executed step, does not move to manifest a useful result.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

4.   Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to use the invention. Claims

1-13 merely establishes a single tier placement, absent any active use of the tier

placement in an executed step, and therefore does not actively provide a useful result.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1-6, 14, 16, and 18-19 are rejected under 35 U.S.C. 102(e) as being

anticipated by United States Patent Application Publication Number US 2002/0055862,

Jinks et al., hereinafter Jinks. (Reference A on the attached PTO-892).

7.   As per claim 1, Jinks teaches a method for establishing rates for a property

insurance policy comprising:

establishing a single tier placement dependent upon a combination of mutually

exclusive factors based on applicant data, such that no single risk characteristic is the

sole determinant for placement in a tier (page 1, para. 2), i.e. The premium charged for

a particular policy is dependent upon the level of risk posed by the particular

classification of insurance, the factors including:

a)   determining a protection class, (page 1, para. 2), i.e. These insurance

carriers issue insurance policies based on the classification of the insurance sought as

well as the risk posed by that classification or other factors pertaining to the business or

business activity; and

        b)   determining a previous paid loss history, (page 4, para. 26), i.e. the form

may also include a field designed to collect additional information concerning the

insurance policy such as background information about the applicant, prior loss

information, and details related to the coverage desired (e.g., amount, payroll,

subcontractor information, etc.).

8.   As per claim 2, Jinks teaches the method of claim 1 as described above. Jinks

further teaches the following:

        wherein the policy is a renewal policy, (page 3, para. 23), i.e. and the ability to

modify an old policy or create a new policy (block 42).

9.   Regarding claim 3, Jinks teaches the method of claims 1 and 2 as described

above. Jinks further teaches the following:

        wherein the protection class is one of a plurality of nationally published numbers,

(page 3, para. 24), i.e. the classes are preferably defined using standard ISO

classifications. Examiner interprets 'standard ISO classifications' to encompass a

plurality of nationally published numbers.

10.   Regarding claim 4, Jinks teaches the method of claim 1-3 as described above.

Jinks further teaches the following:

        the nationally published numbers are in a range of from 1 to 10. (page 3, para.

24), i.e. the classes are preferably defined using standard ISO classifications. The

instant application states, "The protection class factor at 104 includes an assigned

number of from 1 (best) to 10 (worst). This number is provided by The Insurance

Services Organization (ISO) on a nationally available rating table".

11.   Regarding claim 5, Jinks teaches the method of claims 1-2 as described above.

Jinks further teaches the following:

the previous paid loss history establishes one number in a range of from 0 losses

to 3 or more losses paid in a previous three year period., (page 4, para. 26), i.e. as is

also shown in FIGS. 6A-6B, the form may also include a field designed to collect

additional information concerning the insurance policy such as background information

about the applicant, prior loss information, and details related to the coverage desired

(e.g., amount, payroll, subcontractor information, etc.). The agent preferably fills out the

form and submits this information to the interactive insurance server 16 via the network

12; (Fig. 6A), i.e. How many prior loss claims have you had in the last 3 years?.

12.   Regarding claim 6, Jinks teaches the method of claim1as described above. Jinks

further teaches the following:

wherein the previous paid loss history is established based on one or more of

information provided by an applicant, information provided by an insurer, and

information provided by a third party, (pages 4-5, paragraphs 33-34), i.e. If the terms of

the quote are acceptable to the applicant, the agent may accept the quote and complete

issuance of the insurance policy. To accomplish this, the agent is preferably prompted

by the interactive insurance server 16 to input additional information necessary to

complete the insurance policy as shown in block 210. An example of a form that may be

used for this purpose is illustrated in FIGS. 9A-9B. In this example, all of the information

previously collected is automatically entered into the form and the agent is prompted to

provide the information necessary to fill out the remainder of the form. Preferably, the

form includes entry fields for all of the remaining information that is needed to complete

processing of the insurance application and issue the insurance policy. This information

may include background information regarding the name of the person or entity being

insured, the effective dates of the policy or additional information that is required by a

particular state or regulatory agency. If the amount of information requested is

substantial, the agent may be presented with a series of forms that may be filled out

sequentially. FIGS. 10A-10F represent examples of possible forms that may be used to

collect additional information in order to complete the insurance policy. As shown in

these examples, the agent may be asked to provide answers to a variety of questions

regarding the nature of the applicant's business, past losses, potential hazards, and

information concerning subcontractors, etc. It will be understood by those of skill in the

art that each policy may require additional and/or different information in order to be

completed. This information may also be used to collect information sufficient to

complete any riders or attachments to the insurance policy. After the additional policy

details have been entered by the agent and transmitted to the interactive insurance

server 16, all of the policy information is transmitted to a policy issuance system as

shown in block 220. The policy issuance system is preferably implemented using

program logic contained within the interactive insurance server 16 but may also be

located on a remote server communicatively connected to the interactive insurance

server. Once policy information is transmitted to the policy issuance system, the agent

may be given several different options for completing the transaction. According to one

aspect of the invention, the agent may request that the policy issuance system create

and transmit a policy binder to the agent. This binder may then be displayed on the

agent interface 14, or printed using a printer associated with the agent interface. This

binder may then be executed by the applicant to bind the policy and rate information for

the policy pending issuance of the actual policy.

13.   Regarding claim 14, Jinks teaches following:

        A system for establishing rates for a property insurance policy comprising:

        A computer system for establishing a single tier placement dependent upon a

combination of mutually exclusive factors based on applicant data tier, (page 1, para. 2),

i.e. the premium charged for a particular policy is dependent upon the level of risk

posed by the particular classification of insurance, the computer system including:

        a storage device storing a program, (claim10), storing the insurance information

and the underwriting information in a database associated with the interactive insurance

server; and

        a processor coupled to the storage device, (page 1, para. 6), i.e. the agent may

reserve a quoted insurance premium and store it for later processing,

        the processor operative with the program for establishing the single tier

placement in response to determining a protection class factor and a previous paid

loss history factor, (claim 10), i.e. processing the insurance information in accordance

with the respective underwriting rules to determine whether a premium quotation may

be issued for each of the two or more insurance carriers.

14.   Regarding claim 16, Jinks teaches the method of claim 14 as described above.

Jinks further teaches the following:

> wherein the policy is a renewal policy, (page 3, para. 23), i.e. and the

ability to modify an old policy or create a new policy (block 42).

15.   Regarding claim 18, Jinks teaches the following:

A method for establishing rates for a property insurance policy for a member of a

membership organization comprising:

an applicant communicating a request for property insurance, (abstract), i.e.

Insurance information comprising a commercial insurance class for which a premium

quotation is requested is received at the interactive insurance server and the insurance

information and the underwriting information is stored in a database; in response to the

request, using a computer system for establishing a single tier placement dependent

upon a combination of mutually exclusive factors based on data provided by the

applicant, (page 1, para. 2), i.e. The premium charged for a particular policy is

dependent upon the level of risk posed by the particular classification of insurance, the

factors including:

> a)   determining a protection class, (page 1, para. 2), i.e. These insurance

carriers issue insurance policies based on the classification of the insurance sought as

well as the risk posed by that classification or other factors pertaining to the business or

business activity; and

> b)   determining a previous paid loss history, (page 4, para. 26), i.e. the form

may also include a field designed to collect additional information concerning the

insurance policy such as background information about the applicant, prior loss

information, and details related to the coverage desired (e.g., amount, payroll,

subcontractor information, etc.).

16.   As per claim 19, Jinks teaches the method of claim 18 as described above. Jinks

further teaches the following:

wherein the policy is a renewal policy, (page 3, para. 23), i.e. and the ability to

modify an old policy or create a new policy (block 42).

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

18.   Claims 7-13, 15, 17, and 20-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jinks (U.S. Patent Application Publication Number US 2002/0055862

(Reference A on the attached PTO-892)) in view of ChoicePoint, 2002-01-24, [online],

Retrieved from web.archive.org using the Internet <URL:

http://web.archive.org/web/20020124085629/http://www.choicepoint.net/>. (Hereinafter

ChoicePoint). (Reference U on the attached PTO-892).

19.   Regarding claim 7, Jinks teaches the method of claim 1 described above. Jinks

does not teach determining an insurance credit score. However, ChoicePoint teaches

determining an insurance credit score, (Insurance Information Services, page 1), i.e.

helps speed and facilitate the insurance underwriting function by providing quick and

easy access to the comprehensive, up-to-date information available, including

determining an insurance credit score from the NCF (National Credit File). It would

have been prima facie obvious to one of ordinary skill in the art at the time of the

invention to incorporate determining an insurance credit score into the method taught by

Jinks. One of ordinary skill in the art would have been motivated to incorporate this

method into Jinks and determine an insurance credit score for the purposes of secure

risk management. (ChoicePoint Insurance Information page 1).

20.   Regarding claim 8, Jinks in view of ChoicePoint teaches the method of claim 7 as

described above. Jinks further teaches the method wherein the policy is a new policy,

(page 3, para. 24), i.e. the agent selects the "obtain quote" or "create new policy" option

from the agent's user portal.

21.   Regarding claim 9, Jinks in view of ChoicePoint teaches the method of claim 7 as

described above. Jinks does not teach wherein the insurance credit score is derived

from a nationally used credit model. However, ChoicePoint teaches wherein the

insurance credit score is derived from a nationally used credit model, (Insurance

Information Services, page 1), i.e. helps speed and facilitate the insurance underwriting

function by providing quick and easy access to the comprehensive, up-to-date

information available, including determining an insurance credit score from the NCF

(National Credit File). It would have been prima facie obvious to one of ordinary skill in

the art at the time of the invention to incorporate determining an insurance credit score

into the method taught by Jinks. One of ordinary skill in the art would have been

motivated to incorporate this method into Jinks and determine an insurance credit score

for the purposes of secure risk management. (ChoicePoint Insurance Information page 1).

22.   Regarding claim 10, Jinks in view of ChoicePoint teaches the method of claim 9 described above. Jinks does not teach wherein the insurance credit score is a three digit number which falls into one of a set of multiple ranges. However, ChoicePoint teaches wherein the insurance credit score the insurance credit score is a three digit number which falls into one of a set of multiple ranges, (Insurance Information Services, page 1), i.e. helps speed and facilitate the insurance underwriting function by providing quick and easy access to the comprehensive, up-to-date information available, including determining an insurance credit score from the NCF (National Credit File). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate determining an insurance credit score into the method taught by Jinks. One of ordinary skill in the art would have been motivated to incorporate this method into Jinks and determine an insurance credit score for the purposes of secure risk management. (ChoicePoint Insurance Information page 1).

23.   Regarding claim 11, Jinks in view of ChoicePoint teaches the method of claim 7 as described above. Jinks further teaches the method wherein the protection class is one of a plurality of nationally published numbers, (page 3, para. 24), i.e. the classes are preferably defined using standard ISO classifications. Examiner interprets 'standard ISO classifications' to encompass a plurality of nationally published numbers.

24.   Regarding claim 12, Jinks in view of ChoicePoint teaches the method of claim 11 as described above. Jinks further teaches the method wherein the nationally published numbers are in a range of from 1 to 10. (page 3, para. 24), i.e. the classes are

preferably defined using standard ISO classifications. The instant application states,

"The protection class factor at 104 includes an assigned number of from 1 (best) to 10

(worst). This number is provided by The Insurance Services Organization (ISO) on a

nationally available rating table".

25.   Regarding claim 13, Jinks in view of ChoicePoint teaches the method of claim 7

as described above. Jinks further teaches the method wherein the previous paid loss

history establishes one number in a range of from 0 losses to 3 or more losses paid in a

previous three year period., (page 4, para. 26), i.e. as is also shown in FIGS. 6A-6B,

the form may also include a field designed to collect additional information concerning

the insurance policy such as background information about the applicant, prior loss

information, and details related to the coverage desired (e.g., amount, payroll,

subcontractor information, etc.). The agent preferably fills out the form and submits this

information to the interactive insurance server 16 via the network 12; (Fig. 6A), i.e. How

many prior loss claims have you had in the last 3 years?.

26.   Regarding claim 15, Jinks teaches the method of claim 14 as described above.

Jinks does not teach wherein the factors further include an insurance credit score factor.

However, ChoicePoint teaches wherein an the factors further include an insurance

credit score factor, (Insurance Information Services, page 1), i.e. helps speed and

facilitate the insurance underwriting function by providing quick and easy access to the

comprehensive, up-to-date information available, including determining an insurance

credit score from the NCF (National Credit File). It would have been prima facie

obvious to one of ordinary skill in the art at the time of the invention to incorporate

determining an insurance credit score into the method taught by Jinks. One of ordinary skill in the art would have been motivated to incorporate this method into Jinks and determine an insurance credit score for the purposes of secure risk management. (ChoicePoint Insurance Information page 1).

27.   Regarding claim 17, Jinks in view of ChoicePoint teaches the method of claim 15 as described above. Jinks further teaches the method wherein the policy is a new policy, (page 3, para. 24), i.e. the agent selects the "obtain quote" or "create new policy" option from the agent's user portal.

28.   Regarding claim 20, Jinks teaches the method of claim 18 described above. Jinks does not teach determining an insurance credit score. However, ChoicePoint teaches determining an insurance credit score, (Insurance Information Services, page 1), i.e. helps speed and facilitate the insurance underwriting function by providing quick and easy access to the comprehensive, up-to-date information available, including determining an insurance credit score from the NCF (National Credit File). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate determining an insurance credit score into the method taught by Jinks. One of ordinary skill in the art would have been motivated to incorporate this method into Jinks and determine an insurance credit score for the purposes of secure risk management. (ChoicePoint Insurance Information page 1).

29.   Regarding claim 21, Jinks in view of ChoicePoint teaches the method of claim 20 as described above. Jinks further teaches the method wherein the policy is a new

policy, (page 3, para. 24), i.e. the agent selects the "obtain quote" or "create new policy" option from the agent's user portal.

Conclusion

30.   Any inquiry concerning this communication or earlier communications from the examiner concerning this communication or earlier communications from the examiner should be directed to Amber Lee Altschul whose telephone number (571) 270-1362. The examiner can normally be reached Monday thru Thursday 7:30-5 and every other Friday 7:30-4.

31.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Nolan, Ph.D., can be reached at (571) 270-1358. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-1035.

32.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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